



"I will stand for my client's rights.
I am a trial lawyer."
—Ron Motley (1944–2013)

One Corporate Center
20 Church St., 17th Floor
Hartford, CT 06103
o. 860.882.1681 f. 860.882.1682

Mathew P. Jasinski

Licensed in CT, NY
direct: 860.218.2725
mjasinski@motleyrice.com

August 12, 2021

VIA ECF

The Honorable Joan N. Ericksen
United States District Court
District of Minnesota
12W U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Re: *Sohmer et al. v. UnitedHealth Group Inc. et al.*,
Civil Action No. 0:18-cv-03191 (JNE/BRT) (D. Minn.)

Dear Judge Ericksen:

At the conclusion of oral argument on August 3, 2021, in light of the pending motions for both class certification and summary judgment, Plaintiff raised the issue of one-way intervention—that is, whether Defendants object to having the summary judgment motion resolved before the decision on class certification (and the notice/opt-out period, if applicable). *See Hartley v. Suburban Radiologic Consultants, Ltd.*, 295 F.R.D. 357, 368-69 (D. Minn. 2013) (postponing merits determination “until after class members have been given notice in order to avoid the problem of ‘one-way intervention’—whereby a potential class member could await the outcome of a determination on the merits before deciding whether to join the class” (internal quotation marks omitted)).

Plaintiff writes to apprise the Court that Plaintiff has conferred with Defendants regarding their position. Defendants responded by stating: “Both motions are before the Court and we believe it is up to the Court in which order they are resolved. We don’t see a need to raise anything with the Court.” Absent any objection by Defendants as to the order in which the motions are resolved, Plaintiff likewise defers to the Court.

Respectfully submitted,

/s/

Mathew P. Jasinski

cc: All counsel of record (via ECF).